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Prepared by J. Robbins  
Date 1-12-04  
No. of queries (1)

Tracking Number 05871629  
Week Date 12-8-03  
IFW


a. Serial No.	f. Foreign Priority	k. Print Claim(s)	p. PTO-1449
b. Applicant(s)	g. Disclaimer	l. Print Fig.	q. PTOL-85b
c. Continuing Data	h. Microfiche Appendix	m. Searched Column	r. Abstract
d. PCT	i. Title	n. PTO-270/328	s. Sheets/Figs
e. Domestic Priority	j. Claims Allowed	o. PTO-892	t. Other

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forms are illegible.

- a. Page Missing
- b. Text Continuity
- c. Holes through Data
- d. Other Missing Text
- e. Illegible Text
- f. Duplicate Text
- g. Brief Description
- h. Sequence Listing
- i. Appendix
- j. Amendments
- k. Other

- a. Claim(s) Missing
- b. Improper Dependency
- c. Duplicate Numbers
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- e. Index Disagrees
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## RESPONSE

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**DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION\***

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

**DERIVATIVES OF LASPARTOMYCIN AND PREPARATION AND USE THEREOF**

and for which a patent application:

☐ is attached hereto and includes amendment(s) filed on (if applicable)

☒ was filed in the United States on July 13, 2001 as Application No. 09/904,352 (for declaration not accompanying application)

with amendment(s) filed on (if applicable)

☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE
60/219,059	July 17, 2000
60/220,950	July 26, 2000

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
09/760,328	January 12, 2001		✓	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	LAST NAME Borders	FIRST NAME Donald	MIDDLE NAME B
	RESIDENCE & CITIZENSHIP	CITY Suffern	STATE OR FOREIGN COUNTRY NY	COUNTRY OF CITIZENSHIP USA
	POST OFFICE ADDRESS	STREET 13 Heatherhill Lane	CITY Suffern	STATE OR COUNTRY NY ZIP CODE 10901
		SIGNATURE OF INVENTOR 201 <i>Donald B. Borders</i>		DATE <i>August 27, 2001</i>
202	FULL NAME OF INVENTOR	LAST NAME Curtan	FIRST NAME William	MIDDLE NAME V
	RESIDENCE & CITIZENSHIP	CITY Pearl River	STATE OR FOREIGN COUNTRY NY	COUNTRY OF CITIZENSHIP USA
	POST OFFICE ADDRESS	STREET 27 Harding Street	CITY Pearl River	STATE OR COUNTRY NY ZIP CODE 10965
		SIGNATURE OF INVENTOR 202 <i>William V. Curtan</i>		DATE <i>Aug. 27, 2001</i>
203	FULL NAME OF INVENTOR	LAST NAME Fantini	FIRST NAME Amedeo	MIDDLE NAME A
	RESIDENCE & CITIZENSHIP	CITY New City	STATE OR FOREIGN COUNTRY NY	COUNTRY OF CITIZENSHIP USA
	POST OFFICE ADDRESS	STREET 2 The Glen	CITY New City	STATE OR COUNTRY NY ZIP CODE 10956
		SIGNATURE OF INVENTOR 203 <i>Amedeo A. Fantini</i>		DATE <i>Aug. 27, 2001</i>
204	FULL NAME OF INVENTOR	LAST NAME Francis	FIRST NAME Noreen	MIDDLE NAME D
	RESIDENCE & CITIZENSHIP	CITY Harriman	STATE OR FOREIGN COUNTRY NY	COUNTRY OF CITIZENSHIP USA
	POST OFFICE ADDRESS	STREET 12 Brookside Drive West	CITY Harriman	STATE OR COUNTRY NY ZIP CODE 10926
		SIGNATURE OF INVENTOR 204 <i>Noreen D. Francis</i>		DATE <i>August 27, 2001</i>
205	FULL NAME OF INVENTOR	LAST NAME Jarolmen	FIRST NAME Howard	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY Fair Lawn	STATE OR FOREIGN COUNTRY NJ	COUNTRY OF CITIZENSHIP USA
	POST OFFICE ADDRESS	STREET 26-07 Merritt Place	CITY Fair Lawn	STATE OR COUNTRY NJ ZIP CODE 07410
		SIGNATURE OF INVENTOR 205 <i>Howard Jarolmen</i>		DATE <i>August 27, 2001</i>

PENNIE &amp; EDMON.

DOCKET NO. 8067-113-999

FULL NAME OF INVENTOR	LAST NAME Leese	FIRST NAME Richard	MIDDLE NAME A	
RESIDENCE & CITIZENSHIP	CITY Suffern	STATE OR FOREIGN COUNTRY NY	COUNTRY OF CITIZENSHIP USA	
POST OFFICE ADDRESS	STREET 7 Marget Ann Lane	CITY Suffern	STATE OR COUNTRY NY	ZIP CODE 10901
	SIGNATURE OF INVENTOR 201 <i>Richard G. Leese</i>		DATE <i>August 27, 2001</i>	

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>		<b>Complete if Known</b>			
		Application Number	09/904,352		
		Filing Date	July 13, 2001		
		First Named Inventor	BORDERS et al.		
		Group Art Unit	1653		
Examiner Name					
Sheet	1	of	2	Attorney Docket Number	INBI-007/04US

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code <sup>2</sup> (if known)		
	P1	3,817,973		Bouchaudon et al.	06-18-1974
	P2	3,639,582		Umezawa et al.	02-01-1972
	P3	4,495,348		Kunishima et al.	01-22-1985
	P4	5,629,288		Lattrell et al.	05-13-1997
	PS	6,146,872		Ueda et al.	11-14-2000

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
	F1	WO	98/00173	A2		01-08-1998	
	F2	WO	99/21869	A1		05-06-1999	

Examiner Signature		Date Considered	
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<sup>1</sup> Unique citation designation number.

<sup>2</sup> See attached Kinds of U.S. Patent Documents.

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<sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

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				First Named Inventor	BORDERS et al.
				Group Art Unit	1653
Examiner Name					
Sheet	2	of	2	Attorney Docket Number	INBI-007/04US

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	D1	NAGANAWA et al., A Novel Fatty Acid From Laspartomycin, The Journal of Antibiotics, Vol. 23, No. 8, pp. 423-424, August 1970	

Examiner Signature		Date Considered	
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Examiner Name					
Sheet	2	of	2	Attorney Docket Number	INBI-007/04US

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	D2	BODANSZKY et al., "Structure of the Peptide Antibiotic Amphomycin", Journal of the Amer. Chem. Soc., 95:7, April 4, 1973, pp. 2352-2357	
	D3	DEBONO et al., "Enzymatic and Chemical Modifications of Lipopeptide Antibiotic A21978C: The Synthesis and Evaluation of Daptomycin (LY146032)", The Journal of Antibiotics, Vol. XLI, No. 8, Aug. 1988, pp. 1093-1105	
	D4	SHAY et al., "Aspartocin. I. Production, Isolation, and Characteristics", Antibiotics Annual 1959-1960, pp. 194-198	
	D5	NAGANAWA et al., "Laspartomycin, A New Anti-Staphylococcal Peptide", The Journal of Antibiotics, Vol. 21:1, Jan. 1968, pp. 55-62	
	D6	MARTIN et al., "Isolation and Identification of D- $\alpha$ -Pipelicolic Acid, $\alpha$ [L], $\beta$ -Methylaspartic Acid and $\alpha$ , $\beta$ -Diaminobutyric Acid from the Polypeptide Antibiotic Aspartocin", Communications to the Editor, April 20, 1960, pp. 2079	

Examiner Signature		Date Considered	
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Sheet 1 of 1

FORM PTO-1449 (REV.7-80)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 660081.424C2		APPLICATION NO. 09/904,352	
<b>SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT</b> <i>(Use several sheets if necessary)</i>				APPLICANTS Donald B. Borders <i>et al.</i>			
				FILING DATE July 13, 2001		GROUP ART UNIT 1653	
<b>U.S. PATENT DOCUMENTS</b>							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,331,594	05/25/82	Hamill <i>et al.</i>	260	112.5 R	
	AB	4,800,157	01/24/89	Eaton <i>et al.</i>	435	71	
	AC						
	AD						
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	AJ						
<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO		
	AK						
	AL						
	AM						
	AN						
	AO						
<b>OTHER PRIOR ART</b> <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>							
	AP						
	AQ						
	AR						
EXAMINER				DATE CONSIDERED			
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<b>INFORMATION ENCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)		Application Number	09/904,352
		Filing Date	July 13, 2001
		First Named Inventor	BORDERS et al.
		Group Art Unit	1653
		Examiner Name	
Sheet	1	of	2
		Attorney Docket Number	INBI-007/04US

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<i>JE</i>	P1	3,817,973		Bouchaudon et al.	06-18-1974
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<i>JE</i>	P5	6,146,872		Ueda et al.	11-14-2000

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<i>JE</i>	F1	WO	98/00173	A2		01-08-1998	
<i>JE</i>	F2	WO	99/21869	A1		05-06-1999	

Examiner Signature	Jeffrey E. Rose	Date Considered	February 26, 2003
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<sup>3</sup> Enter Office that issued the document by the two-letter code (WIPO Standard ST.3).

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# INFORMATIONAL ENCLOSURE STATEMENT BY APPLICANT

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Sheet 2 of 2

Application Number 09/904,352  
Filing Date July 13, 2001  
First Named Inventor BORDERS et al.  
Group Art Unit 1653  
Examiner Name  
Attorney Docket Number INBI-007/04US

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
JBL	D1	NAGANAWA et al., A Novel Fatty Acid From Laspartomycin, The Journal of Antibiotics, Vol. 23, No. 8, pp. 423-424, August 1970	

Examiner Signature

Jeffrey C. Regel

Date Considered

February 26, 2003

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<b>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)		Application Number	09/904,352
		Filing Date	July 13, 2001
		First Named Inventor	BORDERS et al.
		Group Art Unit	1653
		Examiner Name	
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JR	P6	4,524,135		Abbott et al.	06-18-1985
JR	P7	4,977,083		Boeck	12-11-1990
JR	P8	4,994,270		Boeck et al.	02-19-1991
JR	P9	5,028,590		Fukuda et al.	07-02-1991
JR	P10	5,039,789		Fukuda et al.	08-13-1991
JR	P11	5,912,226		Baker et al.	06-15-1999
JR	P12	6,194,383	B1	Hammann et al.	02-27-2001

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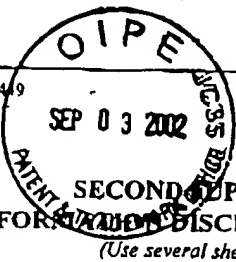
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<sup>5</sup> Kind of document by the appropriate symbols as indicated.

Sheet 1 of 1

FORM PTO-149  
(REV. 7-80)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
660081.424C2APPLICATION NO.  
09/904,352SECOND SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT  
(Use several sheets if necessary)APPLICANTS  
Donald B. Borders *et al.*FILING DATE  
July 13, 2001GROUP ART UNIT  
1653

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	AN				
	AO				

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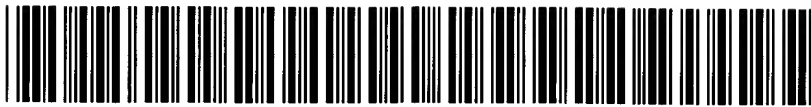
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Jeffrey E. Russell

DATE CONSIDERED

February 26, 2003

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